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SEP 25 2006

OFFICE OF PETITIONS

In re Application of :
Stuart B. Berman :
Application No. 09/330,755 : ON PETITION
Filed: June 11, 1999 :
Attorney Docket No. 223/279 :

This is a decision on the petition to withdraw the holding of abandonment filed July 5, 2005.

The petition under 37 CFR 1.181(a) to withdraw the holding of abandonment is **granted**.

This application was held abandoned on May 25, 2005, after it was believed that no response was received after the decision on appeal as rendered by the Board of Patent Appeals and Interferences mailed June 24, 2005. A Notice of Abandonment was mailed on June 24, 2005.

The instant petition maintains that the Request for Continued Examination (RCE) was timely filed on May 25, 2005, after the Board of Patent Appeals and Interferences decision. The RCE as filed on May 24, 2005, is noted in the Image File Wrapper for the subject application.

Based on the aforementioned, it appears that the application was improperly held abandoned as a proper response was received prior to expiration of the period for reply. The holding of abandonment is withdrawn, accordingly.

The application file is being forwarded to Technology Center 2600, GAU 2616 for further processing.

Questions regarding this decision may be directed to the undersigned at (571) 272-3222.

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Office of Petitions